

147) A regular board meeting of the Town of Piercefield was held on August 10, 2023 at 7:30 PM at the Piercefield Town Hall with the following members present:

Acting Supervisor Joe Denis  
Councilmember Gina Sarazen  
Councilmember Carol Dimond

OTHERS PRESENT: Town Clerk Paige Phillips, Gull Pond Resident Jim Costley and Mt. Arab Resident Loren Bailey.

148) Pledge of Allegiance

The meeting was opened with the Pledge of Allegiance led by Acting Supervisor Joe Denis.

149) Approval of Minutes

On a motion by Councilmember Gina Sarazen, seconded by Acting Supervisor Joe Denis, the minutes of July 6, 2023 as presented by the Town Clerk be approved. AYES: Acting Supervisor Denis, Councilmembers Dimond, Sarazen.    NAYS: 0

150) Monies Received

General

Non- Property Tax	\$88,401.38.
License & Permit	\$80.00
Transfer Station	\$2,745.00
Water Fee	212.00

151) Privilege of Floor

Jim Costley resident of Gull Pond joined the meeting to say the residents appreciate the new culverts the Highway Department put in along with the removal of the old ones, but the road is still in terrible condition. He expressed that you cannot make and maintain a road made out of sand; it would be nice to see some stone put down. If the town was able to lay stone and crown the road, water would be able to run off instead of settling and creating potholes. His main reason for coming was to ask what they could do to help The Town improve the road. Costley mentioned how Tupper Lake received a grant years ago giving their highway department the funds needed to purchase stone. This grant allowed for Tupper Lake to improve their portion of the road which they have since been able to keep maintained. While the prospect of Piercefield finding and applying for a grant is a good idea, The Town does not currently have anyone to apply for grants. Also, the possibility of having to match what we receive does not coincide with the current budget. Acting Supervisor Joe Denis offered to meet with him and Highway Superintendent Jay Rust to see what kind of plan they can come up with for improving the road with the resources we have available right now.

Loren Bailey President of MAPA and resident of Mt. Arab came to share news about the firemen fund the residents started after the recent fire on Mt. Arab land. When the firemen fund was first created, they had a goal of raising \$5,000. Loren is pleased to announce, they ended up raising \$10,000 surpassing their goal by double. With the \$10,000 they have donated half to the Piercefield Fire Department and will split the rest among all the other departments that came to aide Piercefield. Loren also wanted to share that he was able to purchase a water pump similar to one he was shown at the fire department along with 125 feet of hose. Loren hopes other Mt. Arab residents will follow suit in case of an emergency like this in the future; it will buy time until the fire department can get there. They again want to extend their thanks to all the departments that assisted in fighting the fire.

Loren wanted it to be known that Brian Bradley is doing a fantastic job with the mowing. The residents appreciate the job he did weed whacking the wild parsnip. They also appreciate the care he took while mowing by leaving all the milkweeds.

Lastly, Loren asked if there were any plans for the continuation of paving the Mt. Arab Road this fall. Acting Supervisor Joe Denis told him he does not believe there are plans to pave this fall, but they will be grading the sections already tore up in order to get it ready for future paving. Joe also believes the Highway Department plans on getting another section of the road dug up and ready for pavement. Loren asked if the Highway Department would be able to lay some cold patching beyond the last section of road that was dug up to fill in some really deep pot holes. Highway Superintendent Jay Rust was unable to make this meeting but the suggestion will be passed along to him.

**Old Business**

152) Town Beach

Acting Supervisor Joe Denis brought all the concerns presented at the last meeting to Town Attorney Kirk Gagnier. Based off Kirks advise the beach will remain closed leaving the rock barricade and signage as is. The Town Board is not opposed to opening the beach in the future when the funds are available to hire lifeguards, put in new out houses etc. Councilmember Gina Sarazen would still like to see the land maintained whenever the highway department has free time to do raking and mowing.

153) BAR

Larry Lee has agreed to stay on as the chairman of the Board of Assessment Review. On a motion by Councilmember Gina Sarazen, seconded by Acting Supervisor Joe Denis Larry Lee fill the position as chairman of the BAR his term ending 9/30/28. Approved. AYES: Acting Supervisor Denis, Councilmembers Dimond, Sarazen. NAYS: 0

154) Short Term Rentals

The information received last meeting was given to Town Attorney Kirk Gagnier. Kirk would like to look into what laws Saranac Lake and Lake Placid are following in regards to short term rentals. Councilmember Carol Dimond mentioned how it is important to have something in place sooner rather than later due to STR becoming increasingly popular. Having a law in place holds people responsible for a variety of factors but most importantly ensures proper safety measures are in place. The discussion was tables until The Board receives more information on how to proceed.

155) Noise Ordinance

The Board Members have noticed a decrease in noise and less 4 wheelers driving on the streets late at night. It was also mentioned that there has been an increase police presence through town which may have to do with the decrease in noise. On a motion by Councilmember Gina Sarazen, seconded by Acting Supervisor Joe Denis the current noise ordinance will remain as is. AYES: Acting Supervisor Denis, Councilmembers Dimond, Sarazen. NAYS: 0 Approved.

156) Transfer Station

Per last months discussion the Transfer Station will now be open on Sundays from 8:00am-12:00pm through Labor Day. On a motion by Councilmember Gina Sarazen, seconded by Acting Supervisor Joe Denis Transfer Station open on Sundays at 8:00am-12:00pm through September 3<sup>rd</sup>.AYES: Acting Supervisor Denis, Councilmembers Dimond, Sarazen. NAYS: 0 Approved.

157) Town Historian

Per last months meeting Vanessa Methot showed interest in the position of Town Historian. On a motion by Councilmember Gina Sarazen, seconded by Acting Supervisor Joe Denis Vanessa be appointed Town Historian. AYES: Acting Supervisor Denis, Councilmembers Dimond, Sarazen. NAYS: 0 Approved.

158) New Plow Truck Authorization to Purchase

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF PIERCEFIELD ST. LAWRENCE COUNTY, NEW YORK AUTHORIZATION TO PURCHASE A VEHICLE TO MAINTAIN ROADS.**

**WHEREAS** the Town Highway Superintendent has determined that the existing truck and related facilities and equipment being used to maintain Town roads, including winter plowing, must be replaced because of the deterioration of the existing equipment, now therefore be it

**RESOLVED** that the Town purchase a 2024 Western Star – 4700 single dump Truck with plow, from Tracey Road Equipment of Watertown, New York, for the amount of \$263,325.00 pursuant to a New York State contract, and be it further

**RESOLVED** that the Town pay \$263,325.00 by the issuance of a Statutory Installment Bond in said amount, for a maturity period of ten years procured through Community Bank, NA, at the rate of 4.87%.

A motion to adopt the foregoing Resolution was made by Councilwoman Gina Sarazen and seconded by Councilwoman Carol Dimond. The following each voted in favor of the Resolution: Acting Supervisor Joe Denis, Councilpersons Sarazen and Dimond.

159) New Plow Truck, Bond Authorization

**RESOLUTION NO. 23-31-08**

**DATE: August 10, 2023**

**TOWN OF PIERCEFIELD, ST. LAWRENCE COUNTY, NEW YORK**

A STATUTORY INSTALLMENT BOND TO

FINANCE THE PURCHASE OF HIGHWAY EQUIPMENT

Resolution by Town Councilperson

Gina Sarazen

Seconded by Town Councilperson

Carol Dimond

STATUTORY INSTALLMENT BOND RESOLUTION

Dated July 6, 2023

WHEREAS, the Town Board of the Town of Piercefield, New York has authorized the purchase of a vehicle and related equipment to replace existing deteriorated equipment used for maintenance and snow removal on Town roads from Tracey Road Equipment and Viking Cives for the total cost of \$263,325.00, and

WHEREAS the Town has received the proposal from Tracey Road Equipment and Viking Cives to sell said vehicle and equipment to the Town at a cost \$263,325.00 pursuant to New York State Contract (OGS), and

WHEREAS, said vehicle and equipment will be delivered on or about August 2023 and the bill for same will be due at that time,

NOW THEREFORE BE IT RESOLVED:

1.
- The specific object or purpose for which obligations are to be issued pursuant to this Resolution is to finance the purchase of a highway vehicle and equipment.
2.
- The maximum cost of such purchase is \$263,325.00 and the plan of financing such cost is by payment of a Statutory Installment Bond in the amount of \$263,325.00 pursuant to this Resolution.
3.
- The following determinations are hereby made:
- (a)
- The period of probable usefulness of such vehicle and equipment is fifteen (15) years.
- (b)
- The subdivision of paragraph “a” of Section 11.00 of the Local Finance Law which is applicable in the circumstances is subdivision 28.
- (c)
- The proposed maturity of the obligations authorized by this Resolution will not be in excess of fifteen (15) years.
4.
- The Town of Piercefield is authorized to issue its Statutory Installment Bond in the amount of \$263,325.00 to finance such costs in accordance with the financial plan set forth above. Such bond shall be dated forthwith and the power to fix and determine the exact date of said bond is hereby delegated to the Supervisor.
5.
- Such bond shall mature in no more than fifteen (15) equal annual installments in the years 2024 through 2039. The power to fix and determine the dates upon which such installments shall become due and payable is hereby delegated to the Supervisor. The bond shall be issued in bearer form, shall not contain a power to convert to registered form, and shall bear interest at the best rate available from the area of the banking institution.
6.
- The Supervisor is hereby delegated the power to prepare said bond with the assistance of the Town attorney and to sell such bond at private sale at no less than par and at such sale to fix the interest rate to be borne by such bond at the best rate available from the area of the banking institutions. The Supervisor shall deliver said bond to the purchaser thereof only upon receipt of cash or a certified check. The proceeds of sale of the bond shall be deposited in the Town’s bank account and shall be used solely for the purchase of said equipment. The powers delegated to the Supervisor by this Resolution shall be exercised in conformity with the provisions of the Local Finance Law.
7.
- This Resolution shall take effect immediately.

Upon the question of the adoption of the foregoing Resolution the following each voted “Aye” in favor of the Resolution: Acting Supervisor Denis, Councilmembers Gina Sarazan and Carol Dimond,

The Resolution having received at least three votes of the members of the Town Board, was declared by the Supervisor to be duly adopted pursuant to the requirements of Local Finance Law, Section 33.00.

New Business

- 160) Verizon  
Acting Supervisor Joe Denis informed The Board that Verizon Wireless has been in contact with him about placement of a new tower. Acting Supervisor will get more specific details and report back next month
- 161) Meeting Schedule  
William Dashnaw would like to be in attendance for the budget meetings, therefore the schedule may have to change for September and October. Town Clerk will notify Board Members if a change is necessary and post a notice in the paper
- 162) CHIPS  
Pave New York, POP, and EWR are funds the town receives for maintaining roads along with CHIPS. Town Bookkeeper Linda Pickering would like Highway Superintendent to use all the other funds before spending CHIPS money so they don’t get returned to the state. Acting Supervisor Joe Denis will speak with Jay Rust regarding the funds available.
- 163) Bank Transfers

RESOLUTION AUTHORIZING THE TRANSFER OF MONEY IN THE 2023 BUDGET

WHEREAS, the Town of Piercefield needs to transfer money in the 2023 Budget because of increased expenditures,  
NOW, THEREFORE, BE IT RESOLVED that the following transfers be made in the 2023 budget:

Conifer Water					
Transfer From	Description	Amount	Transfer To	Description	Amount
83404.12	Expense	\$ 500	90308.12	Social Security	\$ 500
	Total	\$500		Total	\$ 500

General					
Transfer From	Description	Amount	Transfer To	Description	Amount
19904.01	Contingency	\$100.00	40204.01	Vital Stats	\$ 100.00
	Total	\$100.00		Total	\$ 100.00

Highway Fund					
Transfer From	Description	Amount	Transfer To	Description	Amount
51404.03	Brush/Weeds		51104.03		
	CE	\$2,000.00		General Repair CE	\$ 2,000.00
	Total	\$2,000.00		Total	\$ 2,000.00

On a motion by Acting Supervisor Joe Denis, seconded by Councilmember Gina Sarazen, resolution #29,30 and 33 be approved.: AYES: Acting Supervisor Joe Denis, Councilmembers, Sarazen and Dimond. NAYS: 0 Approved.

- 164) Teamsters MOA  
On a motion by Councilmember Gina Sarazen, seconded by Acting Supervisor Joe Denis, the following agreement be approved AYES: Acting Supervisor Denis, Councilmembers Dimond, Sarazen. NAYS: 0

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement is between The Town of Piercefield, and Teamsters Local 687.

WHEREAS, there is a collective bargaining agreement between the Town of Piercefield and the Teamsters Local 687 effective January 1,2023 through December 31,2025.

WHEREAS, the Town of Piercefield has requested to add a stipulation regarding CDL licensing to the current collective bargaining agreement, and

WHEREAS, pursuant to the current collective bargaining agreement, the current contract language will have to be amended

146) REGULAR BOARD MEETING, TOWN OF PIERCEFIELD, August 10, 2023 **DRAFT**

NOW, THEREFORE, The Town of Piercefield and Teamsters Local 687 agree to modify the contract provisions in order to implement an addition of financial requirements for CDL licensing.

Article 30: Wages

30.2 B – In the event that any hired employees require a CDL license to perform their job duties and do not already have the required license at the time of hire, The Town of Piercefield will cover the cost of the CDL education and requirements necessary to obtain the license. If the Town of Piercefield finances the cost of the CDL education and requirements, the hired employee shall be required to remain employed by The Town of Piercefield for a minimum of five (5) years. If the hired employee does not stay employed with the Town of Piercefield for a minimum of five (5) years, they will be required to reimburse the Town of Piercefield for the cost of the training at a pro-rated amount equivalent to twenty (20%) percent per year remaining out of the five (5).

The above changes will go into effect June 2023 in the collective bargaining agreement.

165) Proposed Local Law #1

Proposed Local Law # 1 Competitive Bidding Pursuant to GML Section 103(16) was introduced by Councilmember Gina Sarazen. The Town Clerk will publish an ad in the paper for a public hearing on September 14<sup>th</sup>, 2023 at 7:30. A copy of the proposed law will be available at the Town Hall for public viewing.

166) Executive Session

On a motion by Councilmember Gina Sarazen Second by Councilmember Carol Dimond the Town Board enter into executive session to discuss the Article 7 stipulation with SLIC Network with Town Clerk Paige Phillips invited to attend: AYES: Acting Supervisor Denis, Councilpersons Dimond and Sarazen. NAYS: 0 Approved. Time, 8:35 pm. Action was taken as indicated below. On a motion by Councilmember Gina Sarazen, seconded by Councilmember Carol Dimond, the board return from executive session at 8:48 pm: AYES: Acting Supervisor Denis, Councilmembers Dimond and Sarazen. NAYS: 0 Approved.

STIPULATION TO STAY PROCEEDING AND EXTEND DEADLINES

Petitioner SLIC NETWORK SOLUTIONS, INC. (“Petitioner”) and Respondents ASSESSOR FOR THE TOWN OF PIERCEFIELD, NEW YORK, BOARD OF ASSESSMENT REVIEW FOR THE TOWN OF PIERCEFIELD, NEW YORK, AND THE TOWN OF PIERCEFIELD, NEW YORK (collectively, the “Town”), enter into this stipulation.

WHEREAS, the parties agree that this matter should be stayed pending the final outcome of Petitioner’s ongoing litigation against the Department of Taxation and Finance in the matter entitled SLIC Network Solutions, Inc. v. New York State Department of Taxation and Finance, et al., Index No. 531930; Appellate Division Case No. 535951 (the “Albany

Litigation”) because the determination in the Albany Litigation will bear on the subject proceeding; and

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, that this proceeding shall be stayed until there is a final determination from in the Albany Litigation fully resolving the claims raised therein; and

IT IS FURTHER STIPULATED AND AGREED, that, in the event any further appeal arises in the Albany Litigation; this stay shall remain in effect until all appeals are resolved; and

IT IS FURTHER STIPULATED AND AGREED, that the Real Property Tax Law Article 7 proceedings filed by Petitioner after 2019 shall be subject to the provisions of this stipulation; and

IT IS FURTHER STIPULATED AND AGREED, that any further tax assessment proceedings filed under Article 7 of the Real Property Tax Law by Petitioner against the Town shall be subject to the provisions in this stipulation; and

IT IS FURTHER STIPULATED AND AGREED, that the provisions of this stipulation shall not preclude the parties from negotiating a resolution in these proceedings, if desired; and

IT IS FURTHER STIPULATED AND AGREED, that said stay shall alleviate and relieve the parties from complying with any and all deadlines or obligations arising under law in the affected proceedings, including the requirements of Real Property Tax Law § 718, excepting any obligations conferred upon the parties by this stipulation; and

IT IS FURTHER STIPULATED AND AGREED, that this stipulation may be executed in counterparts, and all such counterparts shall, taken together, be deemed to constitute one in the same instrument. Any manual signature upon this stipulation that is faxed, scanned, or photocopied and delivered electronically shall for all purposes have the same validity, legal

effect, and admissibility in evidence as an original signature and the parties hereby waive any objection to the contrary; and

IT IS FURTHER STIPULATED AND AGREED, that this stipulation may be modified by the parties upon further stipulation; and

IT IS FURTHER STIPULATED AND AGREED, that this stipulation shall become effective after it is executed by both parties and “so ordered” by the Court.

167) Payment of Bills

On a motion by Councilmember Carol Dimond, seconded by Acting Supervisor Joe Denis, the following payments be approved AYES: Acting Supervisor Denis, Councilmembers Dimond, Sarazen. NAYS: 0

General Fund:	\$4,815.74
Highway Fund:	\$44,216.08
Lighting District	\$283.49
Conifer Water:	\$5,086.22
Piercefield Water:	\$13,082.86
<b>Total</b>	<b>\$67,484.39</b>

168) Approval of Town Clerk Monthly Reports

On a motion by Councilmember Gina Sarazen, seconded by Acting Supervisor Joe Denis, the Clerk Reports for July 2023 be approved: AYES: Acting Supervisor Denis, Councilmembers Dimond, Sarazen. NAYS: 0

169) Adjournment

On a motion by Councilmember Gina Sarazen, seconded by Councilmember Carol Dimond, the meeting was adjourned at 8:54 pm. Next regular meeting will be held on Thursday, September 14, 2023 at 7:30pm.

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Paige Phillips, Town Clerk

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Date Approved